

From: Edan Lev-Ari
To: Microsoft ATR
Date: 1/24/02 11:34pm
Subject: Microsoft settlement

Dear Sir/Madam:

I am strongly opposed to the proposed settlement in the Microsoft antitrust trial. I feel that the currently proposed settlement does not fully address the actions committed by Microsoft in the past, or stop their ability to commit similar actions(crimes) in the future. I do not believe that the current proposal adequately protects or compensates those injured by Microsoft's anti-competitive behavior. Hundreds, perhaps thousands, of small and large companies have ceased to exist over the years because of Microsoft's exploitation of their monopolies on operating systems and office applications. Microsoft's monopoly has done incalculable damage to the technology industry.

The vast majority of the provisions within the settlement only formalize the status quo. Of the remaining provisions, none will effectively stop Microsoft from abusing its current monopoly position in the operating system market. This is especially important because the seriousness of Microsoft's past transgressions. If Microsoft is not stopped now, their monopoly will only grow more oppressive.

Most importantly, the proposed settlement does nothing to correct Microsoft's previous actions. There are no provisions that correct or redress their past abuses (many in violation of previous consent decree's). They prohibit only the future repetition of those past abuses. This, I think, goes against the very foundation of law. If a person or organization is able to commit illegal acts, benefit from those acts and then receive as a "punishment" instructions that they cannot commit those acts again, they have still benefited from their illegal acts and not been punished. That is not justice, not for the victims of their abuses and not for the American people.

I have been using computers daily since the mid-eighties, when my parents brought home a Macintosh Plus. I have seen the death and withering of all commercial, consumer directed, non Microsoft computing platforms (Amiga, Atari ST, Macintosh). Much of this has been the results of Microsoft exploiting their dominant market position by bundling software together and by exploiting closed file formats and protocols.

Microsoft has adopted a policy of "embrace and extend." Microsoft will embrace an open standard. Then, Microsoft will "extend" the

standard. Each time Microsoft does this; they split the market between the open standard and the Microsoft standard. All people working with the open standard must then rewrite their software/hardware to support with Microsoft's extended standard since Microsoft is %90+ of the operating system market. Microsoft tries to spilt virtually every open standard into two incompatible versions; a proprietary Microsoft version and an open version. Microsoft then exploits the standards chaos they created to lock competitors.

While the Court's desire that a settlement is reached is well-intentioned, it is plain wrong to reach an unjust settlement just for settlement's sake. A wrong that is not corrected is many times compounded.

Sincerely,

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